

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CIVIL ACTION NO.: 5:20-cv-00504

LUZ HERNANDEZ, on behalf of herself)
and all others similarly situated)

Plaintiffs,)

v.)

MOBILE LINK (N.C.) LLC,)
MOBILELINK NORTH CAROLINA)
LLC, CRICKET WIRELESS LLC)

Defendants.)

DEFENDANT CRICKET WIRELESS,
LLC'S PARTIAL MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT

COMES NOW Defendant, CRICKET WIRELESS LLC (“Cricket Wireless” or “Defendant”), by and through its undersigned counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Rules 7.1 and 7.2, and hereby moves the Court for an Order partially dismissing Plaintiff Luz Hernandez’s (“Plaintiff”) Second Amended Complaint [DE # 84]. For reasons as more fully explained in the *Memorandum of Law in Support of Defendant Cricket Wireless LLC’s Partial Motion to Dismiss Plaintiff’s Second Amended Complaint*, Cricket Wireless contends that Plaintiff’s Third Cause of Action must be dismissed as she never filed a Charge of Discrimination against Cricket Wireless, and as such, Plaintiff has failed to exhaust her administrative remedies under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and therefore, has failed to state a claim upon which relief can be granted.

As such, Defendant Cricket Wireless respectfully requests that Plaintiff’s Second Amended Complaint should be **PARTIALLY DISMISSED** as to her Third Cause of Action.

Respectfully submitted this the 21st day of March, 2022.

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CERTIFICATE OF SERVICE

The undersigned certifies that on March 21, 2022, the foregoing was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

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